



2411 Dulles Corner Park, #250
Herndon, VA 20171
www.somos.com

December 22, 2016

Ex Parte

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Petition of the Alliance for Telecommunications Industry Solutions 800 Service Management System Number Administration Committee Requesting Bureau Action to Revise Toll-Free Code Opening Methodology*, CC Docket No. 95-155

Dear Ms. Dortch:

Somos, Inc. respectfully submits a proposed code opening methodology for the upcoming 833 code opening that ensures neutral new code toll-free number assignments to all Responsible Organizations (Resp Orgs) without the additional data collection. Somos' proposal represents a modification to the April 5, 2016 ATIS petition requesting revision to the current Toll-Free Code Opening Methodology. In its petition, ATIS proposed that Somos and the Commission request and collect affidavits from all Resp Orgs detailing company affiliation and recommended that Resp Orgs failing to provide this information should be barred from obtaining Toll-Free Numbers (TFNs) in the newly opened code during the limited allocation period.

After discussion with representatives of the industry and other stakeholders, Somos developed a proposed alternative methodology to determine affiliation that will not require obtaining new or additional information from Resp Orgs and will not require Somos to obtain and store Resp Org affidavits detailing any affiliations. In addition, our proposal would not bar Resp Orgs from participating if they fail to furnish Somos such information.

We propose that affiliation be identified using information Somos already has on-hand to determine whether companies are affiliated. Somos has a variety of information available that can be used to determine Resp Org affiliation including but not limited to: corporate name; primary contact name, address, phone and email; billing contact name, address, phone and email; and executive contact. Somos will review our records and make a preliminary determination of affiliation. Somos will communicate with those Resp Orgs that have been determined to be affiliates. Resp Orgs can confer with Somos if there is a discrepancy and the parties will work cooperatively to resolve any such discrepancy.

Based on this information that Somos currently collects and retains in its records, we have a high degree of confidence that we will be able to identify affiliated Resp Orgs in this manner. Once affiliations have been determined the SMS/800 platform can set a TFN limit that will be shared amongst the affiliates. The TFN limit and number of restricted days are programmable system parameters, and can be set to whatever the Commission determines is best.

For instructive comparison, we can describe the activities surround the two most recent code opening. During the 855 code opening in October 2010, Resp Orgs were limited to 100 TFNs in the 855 NPA for the first 30 days. There was no affiliation rule, so each Resp Org could reserve 100 TFNs, no matter if they were affiliated with other Resp Orgs. For the first 30 days (10/09/2010 - 11/07/2010), Resp Orgs reserved 166,532 TFNs in the 855 NPA, for an average of 5551 per day. However, there was significantly heavier reservations during the first 20 days. The first 20 Days saw 136,452 TNFs reserved, which is an average of 6,823 per day. During the next ten days, 30,080 TFNs were reserved, for an average of 3,008 per day. Once the allocation limits were removed the first three days (11/08/2010 – 11/09/2010), showed fairly heavy demand with an average of 23,157 TFNs in the 855 NPA reserved per day.

Per Commission order, Somos opened the 844 NPA code with the same rules as 855 and a similar reservation pattern emerged. For the first 30 days (12/7/2013-01/05/2104), Resp Orgs reserved 116,059 TFNs in the 844 NPA, for an average of 3,869 per day. Similar to the 855 opening, demand for 844 NPA TFNs was stronger in the first 20 days (101,069 total with an average of 5,053 per day) than then next ten days (14,990 total with an average of 1,499 per day). Once the allocation limits were removed, the first three days (01/05/2014 – 01/07/2014) showed relatively heavy demand with an average of 15,181 TFNs in the 844 NPA reserved per day.

During industry and Commissioner discussions regarding the new code opening Somos has received questions about the increase in TFN demand, particularly in light of the general decrease in landline services over the past few years. Attached to this filing is the most recent Quarterly Report of the Toll-Free Neutral Administrator to NANC detailing recent TFN trends, showing that TFN use continues to grow. One of the main reasons for this growth is the recent increase of TFNs being used in ad tracking and marketing, such as using TFNs for dynamic ad insertion.¹ Just six years ago there were virtually no TFNs being utilized for this purpose and now many millions of TFNs are being used.² We see this upward trend continuing.

¹ A unique is TFNs inserted into an online ad to track exactly where a particular lead originated that resulted in a call.

² Somos does not collect or maintain end user information, so Somos does not have an exact number of TFNs being used for specific purposes. Somos has, however, received information from some Resp Orgs that use a majority of their TFNs for dynamic ad insertion. Somos therefore has a very rough estimate of how many TFNS are used for this service.

Somos asks the FCC to adopt an order accepting the proposed code opening procedures for the 833 area code opening to ensure nondiscriminatory and reasonable toll-free number assignment for all Resp Orgs.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joel Bernstein". The signature is fluid and cursive, with the first name "Joel" being more prominent than the last name "Bernstein".

Joel Bernstein
Vice President, Regulatory and Public Policy
Somos, Inc.
jbernstein@somos.com
P.O. Box 8122
Bridgewater, NJ 08807-8122
844-HEY-JOEL (844-439-5635)

cc: Kris Monteith
Ann Stevens
Sanford Williams
Michelle Sclater
Heather Hendrickson